UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERI	ICA, : : Plaintiff :	FILED SCRANTON
VS.	:	MAY 3 0 2017
DAVON BECKFORD,	: :	PERDEPUTY CLERK
	Defendant	NO. 3:16-CR-127-ARC-5

SENTENCING MEMORANDUM

The undersigned counsel presents the within Memorandum to assist the Court in its consideration of a just sentence for Mr. Davon Beckford. Mr. Beckford is a young man who has been incarcerated in Lackawana prison since June of 2016 as a result of a multicount indictment of May 17, 2016. By way of a written plea agreement and an appearance before the Court on September 16, 2016, Mr. Beckford plead guilty to Count One of the indictment. The parties agreed that Beckford was involved in distribution of fewer than ten grams of heroin.

Mr. Beckford at the time of his indictment was confined at Rikers Island in New York as a result of a probation violation. He had been adjudicated as a youthful offender. On April 28, 2016 Beckford was resentenced to one year. It appears from his New York lawyer's communications that he was discharged from that sentence on May 31, 2016.

Mr. Beckford has spent his time very wisely at Lackawana County Jail. He has completed almost all programs offered to young men at that facility. He is now twenty-three years of age and seems to have had a re-awakening at Lackawanna County Jail.

THE PAST YEAR

Mr. Beckford has been spending the past year as productively as anyone in confinement can (see attached evaluations). He has progressed gradually and steadily in the many positive programs he has undertaken. Initially he received moderate performance, but he quickly advanced to an evaluation of "major progress". (See attached valuations marked as Defendants 1-12). Through the jail, Davon has attained Certificates of Achievement from the Employment Opportunity and Training Center of Northeastern Pennsylvania in Financial Responsibility, Math Skills, Life Skills I, II, and III, Anger Management, Emotional Wellness, and Career Preparation. Davon received grades of "participated with distinction" in all but one of the programs, math, which he received a grade of satisfactory. The programs totaled almost ninety hours of instruction and participation.

Jennifer Shoemaker, the program instructor, writes, "Davon actively participates, presents as positive, completes all work. Davon's opinion into the group discussions was welcome, and his feedback relevant and appropriate."

In anticipation of his release from custody and in keeping with his instruction through EOTC, Mr. Beckford has prepared a resume reflecting his skills and his availability for employment. On his own, Davon is developing his reading skills. He has also taught

himself basic legal research, and in counsel's opinion, he is not too bad at it. In his favor he does not believe he is yet qualified for admission to Harvard or Yale.

Mr. Beckford is maturing as a man. The participation in discussion noted by his instructor is an indicator that he is progressing from a street kid and law violator in Queens and Brooklyn to a mature young man. That maturity and socialization will bode well for Davon as he gains employment. His impulse control will enable him to find appropriate friendships which will encourage him in the right direction.

THE SENTENCE

The sentencing statute 3553(a) sets forth some noble goals with fine words; deterrence, respect for the law, just punishment, and the need for the sentence imposed. Meeting the goals of the statute and respecting the noble words is somewhat difficult. This Court, and all Criminal Courts have the task of examining the past to predict the future. In our case, Mr. Beckford's march to a positive future is at a crossroads. The one road heads to a recidivist future prompted by the street values of his youth in Brooklyn and Queens. The other is now encouraged by the positive performances, self-confidence, and socialization taught in the EOTC programs. Davon seems headed onto the right intersection. The one indicated by his performance over the past year.

As this Court is well aware since <u>Booker v. Fanfan</u>, 843 U.S. 220 (200\$) followed by <u>Gall v. U.S.</u>, 552 U.S. 38 (2007) the U.S. District Courts have wide discretion to vary from the Guidelines even for reasons not extraordinary. In <u>Gall</u> the District Court varied from the Guidelines calling for a 30-39 month sentence by weighing the defendant's post

conspiracy good work and a flood of character letters attesting as such. There the District Court sentenced Gall to probation.

Beckford through counsel requests this Court to consider his youthful age, his prior environment, and his extraordinary positive post-arrest performance while awaiting the instant sentencing. The Court should consider also support from Beckford's family. Mr. Beckford's sister is a respected member of the community, and she has assisted Mr. Beckford in seeking employment. His sister is willing to provide Mr. Beckford with a stable place to live. See the attached letters.

CONCLUSION

For the reasons set forth within, this Court should sentence Davon Beckford significantly below the Guidelines.

Respectfully submitted,

/s/ William Ruzzo
WILLIAM RUZZO, ESQUIRE
Attorney I.D. 75865
590 Rutter Avenue
Kingston, PA 18704
Phone (570) 288-7799
Fax (570) 288-7798

Davon Beckford

522 Quincy St. Apt. 3G Brooklyn, NY 11221 Phone: (347) 663-4959 dolomosthated5@gmail.com

Career Objective:

To secure a challenging and rewarding position in labor and industry.

Education:

Sheepshead Bay High School. Brooklyn, NY

Computer Skills:

General Word Processing and E-Mail

Employment:

Jersey Mikes

Cook/Cashier: Wilkes Barre, PA

November, 2014-March, 2015

- Responsibilities included taking customer orders, managing orders during busy hours in a timely manner, and managing the cash register.
- Additional responsibilities include cooking orders, cooking special request orders, maintaining quality food standards, maintaining a clean and orderly work station, working as part of a team to represent the reputation of the establishment.

Vegetable Warehouse Worker

Lineman: Colombia, SC

May, 2014-August, 2014

 Responsibilities included cleaning, sanitizing, and packaging fresh vegetables in a warehouse setting.

Franks Construction Landscaper: Latta, SC

June, 2012-October, 2013

 Responsibilities included cutting and trimming grass, bushes, and plants, planting new trees and flowers, raking leaves, and maintaining seasonal flowers and plants.

Selective Staffing

Factory Worker: New York, NY

January, 2012-February, 2013

 Responsibilities included working temporary jobs when needed through the staffing agency.

Certifications:

Have received training for OSHA standards.

Skills:

Highly motivated, hardworking individual, always dependable, works well independently and as part of a team, creative and imaginative, efficient and precise in a fast paced environment, great social and communication skills with an eye for problem solving.



EOTC Educational Programming Lackawanna County Prison

Name: Davon Beckford

Date: January 24, 2017

Program Participation

Date	Course	Progress	Certificate	
6/16-7/16	Alternatives To Violence	Moderate	Yes	
7/16-8/16	Financial Responsibility	Moderate	Yes	
8/16-9/16	Emotional Wellness	Major	Yes	
9/16	Math Applications	Р	Р	
9/16-10/16	Career Preparation	Major	Yes	
10/16-11/16	Life Skills Education (Phase I)	Major	Yes	
11/16-12/16	Life Skills Education (Phase II)	Major	Yes	
1/17	Life Skills Education (Phase III)	Major	Yes	

^{*} P- Presently Attending

Comments

Davon actively participated in classes he attended. He presented as positive, determined, insightful, and open minded. He completed all work assigned and received certificate of completion for his participation. Davon's opinion into group discussion was always welcome and his feedback was relevant and appropriate.

Devon also participates in a Math Applications class he attends twice weekly voluntarily to work on his educational goals. Davon is currently enrolled in classes at the Lackawanna County Prison offered through EOTC.

Should you have any questions regarding Davon's participation in classes, please do not hesitate to call EOTC, 570-703-0049.

Respectfully Submitted,

Jennifer Shoemaker, BS

Prison Program Instructor



EOTC Educational Programming Lackawanna County Prison

Name: Davon Beckford

Date: December 15, 2016

Program Participation

Date	Date Course		Certificate	
6/16-7/16	6/16-7/16 Alternatives To Violence		Yes	
7/16-8/16	Financial Responsibility	Moderate	Yes	
8/16-9/16	Emotional Wellness	Major	Yes	
9/16-10/16	Career Preparation	Major	Yes	
10/16-11/16	Life Skills Education (Phase I)	Major	Yes	
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Respectfully Submitted,

Jennifer Shoemaker, BS

Prison Program Instructor



EOTC Educational Programming Lackawanna County Prison

Name: Davon Beckford

Date: March 9, 2017

Program Participation

Date	Course	Progress	Certificate	
6/16-7/16	Alternatives To Violence	Moderate	Yes	
7/16-8/16	Financial Responsibility	Moderate	Yes	
8/16-9/16	Emotional Wellness	Major	Yes	
9/16	Math Applications	Р	Р	
9/16-10/16	Career Preparation	Major	Yes	
10/16-11/16	Life Skills Education (Phase I)	Major	Yes	
11/16-12/16	Life Skills Education (Phase II)	Major	Yes	
1/17	Life Skills Education (Phase III)	Major	Yes	
1/30/17-	Men's Reentry Program	Major	Yes	
3/10/17	, ,		. 55	

^{*} P- Presently Attending

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Respectfully Submitted,

Jennifer Shoemaker, BS Prison Program Instructor

STANDARDS FOR EXCELLENCE Standards for Excellence Institute accreditation ensures integrity and excellence in nonprofit management.

Seventh Avenue Center 431 N. 7th Avenue Scranton, Pennsylvania 18503

p 570.348.6484 f 570.348.6492 e eoic@eotcworks.org



EOTC Educational Programming Lackawanna County Prison

Name: Davon Beckford

Date: January 24, 2017

Program Participation

Date	Course	Progress	Certificate	
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Comments

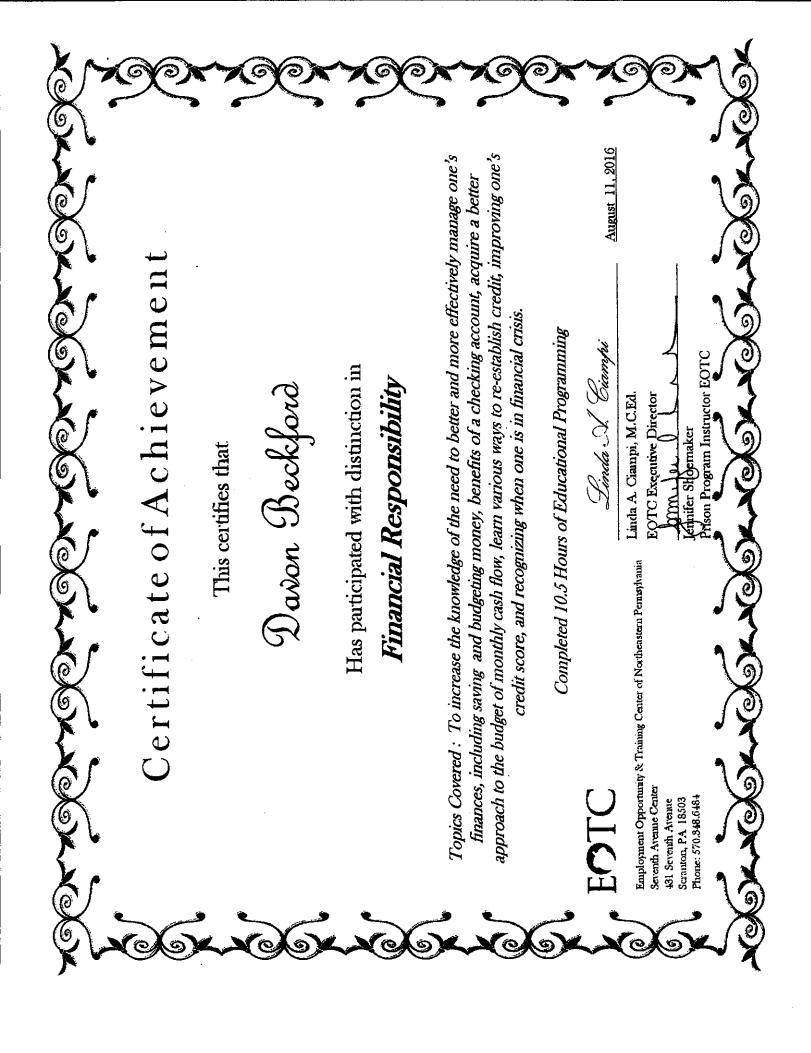
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Respectfully Submitted,

Jennifer Shoemaker, BS Prison Program Instructor



EOTC MATH SKILLS PROGRAM

AWARDS THIS CERTIFICATE TO

DAVON BECKFORD

PER CENTS, DECIMALS, FRACTIONS, COMPARISON SHOPPING, FOR COMPLETION OF WORK IN UNITS OF TIME

AND FOR ACHIEVING A SATISFACTORY SCORE ON THE EXIT SKILLS INVENTORY FOR ARITHMETIC

Ment hades

Ashuary 27 2017 DATHE

Certificate of Achievement

This certifies that

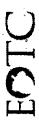
Davon Beckford

Has participated with distinction in

Life Skills (Phase III)

employment and participate in mock employment interview; Alternatives to Violence: To become more and improve approach to budgeting. Employment: To gain skills necessary for securing stable long-term aware of the negative effects of violence and diminish internalized anger; Skills for Success: To provide Topics Covered: Financial Responsibility: To increase the knowledge to better manage one's finances the insight needed into making productive choices and leading a satisfying life.

Completed 9 Hours of Educational Programming



Employment Opportunity & Training Center of Northeastern Pennsylvania Linda A. Ciam

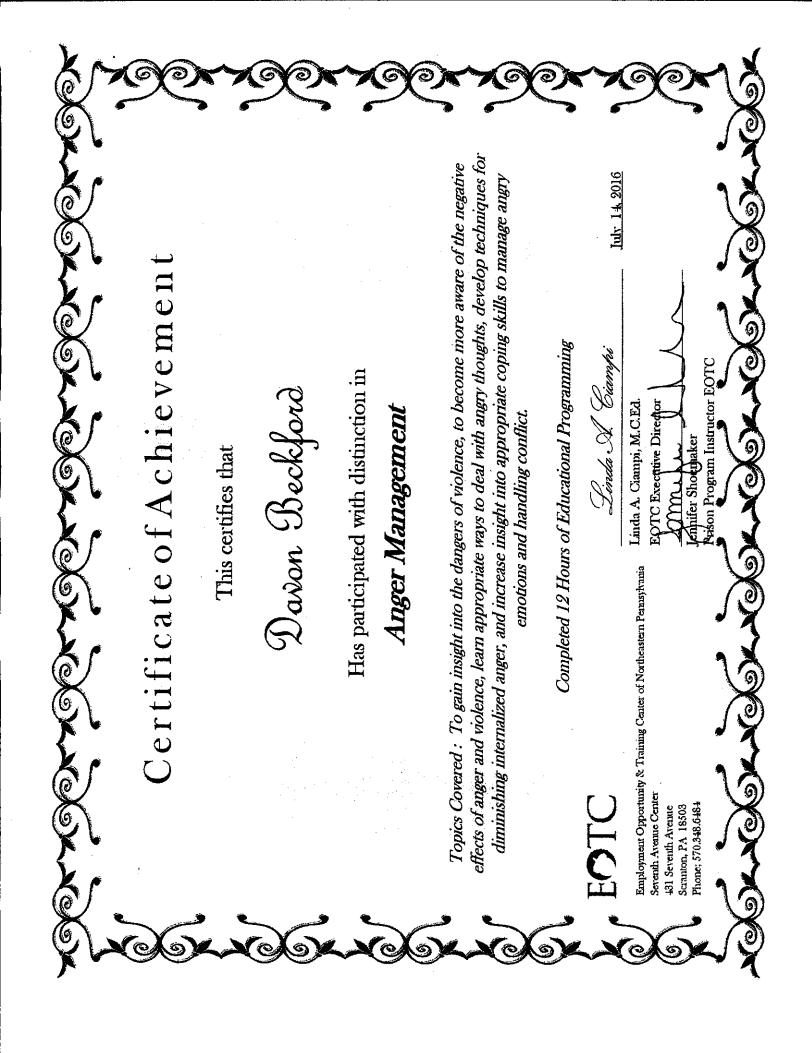
Employment Opportunity & 114ming Cel Seventh Avenue Center 431 Seventh Avenue

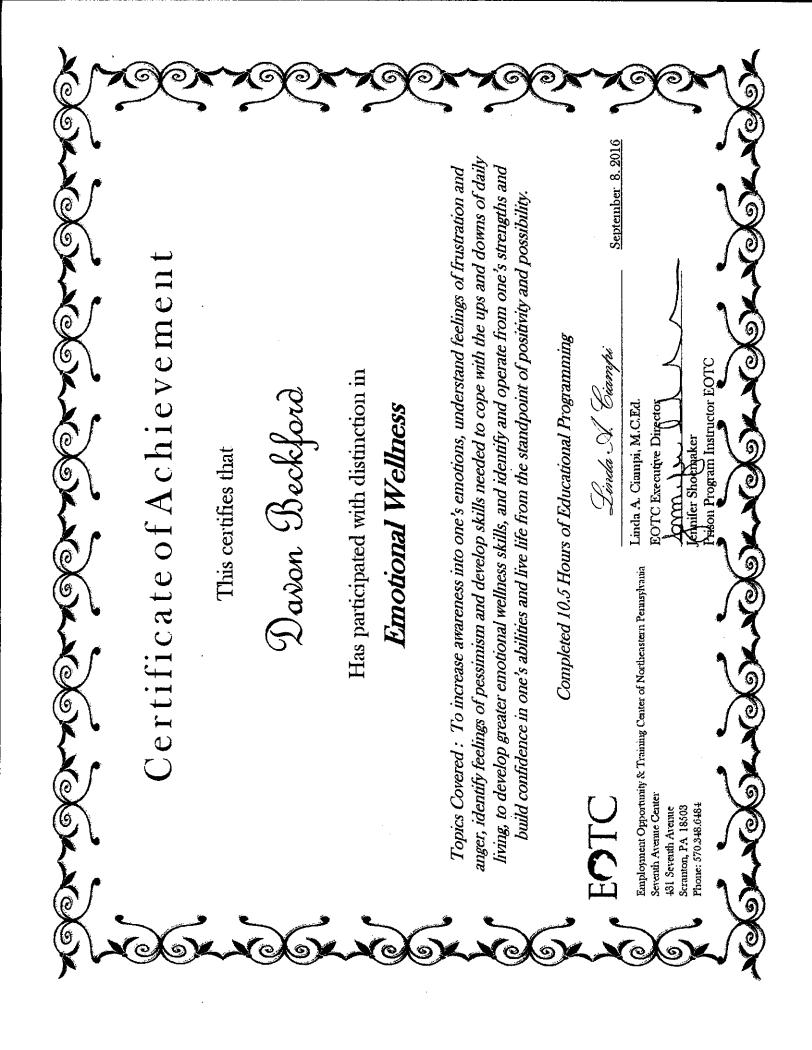
Linda A. Ciampi, M.C.Ed.

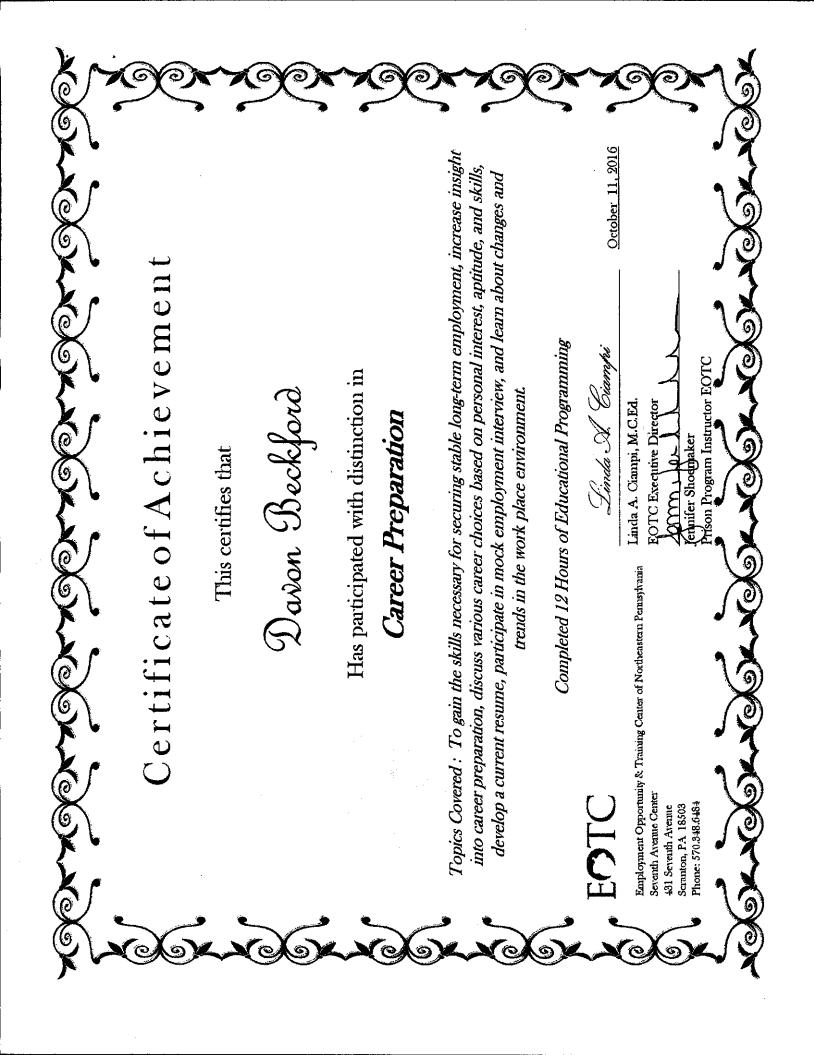
Linda N. Ciampi

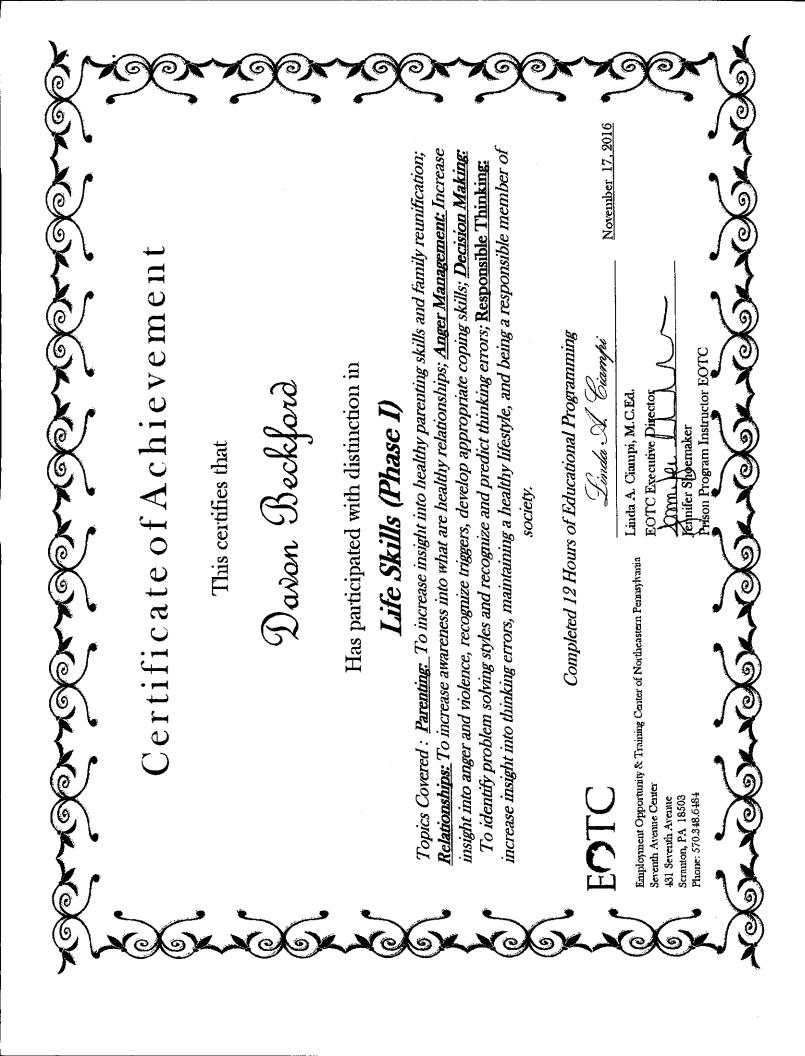
EQTC Executive Director

January 24, 2017









Certificate of Achievement

This certifies that

Davon Beckford

Has participated with distinction in

Life Skills (Phase II)

Man to reduce chance of relapse; Positive Attitude/Healthy Mind: To develop a more proactive and commistic view of life; Establishing Life Goals: To name and discuss different types of goals and goal setting techniques that lead to motivation and self confidence; Conflict Resolution: Identify appropriate methods to deal with conflict; Communication Skills: To learn different types of communication and S. Covered: Drug and Alcohol Education: Identify triggers for substance abuse and create a improve personal listening skills.

Completed 12 Hours of Educational Programming

EOTC

Employment Opportunity & Training Center of Northeastern Pennsylvania Seventh Avenue Center 431 Seventh Avenue Scranton, PA 18503

Linda X. Ciampi

December 15, 2016

Linda A. Ciampi, M.C.Ed.

EOTC Executive Director

rspn Program Instructor EOTC

Certificate of Achievement

This certifies that

Davon Beckford

Has participated with distinction in

Life Skills (Phase III)

employment and participate in mock employment interview; Alternatives to Violence: To become more and improve approach to budgeting; Employment. To gain skills necessary for securing stable long-term aware of the negative effects of violence and diminish internalized anger; Skills for Success: To provide Topics Covered: Financial Responsibility: To increase the knowledge to better manage one's finances the insight needed into making productive choices and leading a satisfying life.

Completed 9 Hours of Educational Programming

EOTO

Employment Opportunity & Training Center of Northeastern Pennsylvania

Seventh Avenue Center 431 Seventh Avenue

Linda M. Ciampi

January 24, 2017

Linda A. Ciampi, M.C.Ed.

EOTC Executive Director



Queens County Criminal Defense Office 120-46 Queens Boulevard Queens, NY 11415 T (718) 286-2000 www.legal-aid.org

Blaine (Fin) V. Fogg President

Steven Banks
Attorney-in-Chief

Seymour W. James, Jr. Attorney-in-Charge Criminal Practice

Timothy B. Rountree Attorney-in-Charge Queens County Office

May 5, 2017

William Ruzzo, Esq. 590 Rutter Avenue Kingston, PA 18704

Re: Davon Beckford

Queens Co. Indct. # 01936-2011

Dear Mr. Ruzzo,

As per your request, we were able to obtain a certified certificate of disposition from the court, as well as letter of incarceration from the Department of Correction for Mr. Beckford (enclosed)

Please let us know if we can be of any further assistance.

Sincerely,

Lucy Herschel

Paralegal for Fern Merenstein, Esq.

(718) 286-2337



NEW YORK CITY DEPARTMENT OF CORRECTION Joseph Ponte, Commissioner

Winette Saunders, Deputy Commissioner
Youthful Offender Programming
75-20 Astoria Boulevard, Suite 110
East Elemburst, NY 11370

718 • 546 • 0447 Fax 718 • 278 • 6429

April 12, 2017

The Legal Aid Society
Queens Criminal Defense Practice
120-46 Queens Boulevard
Attn: Lucy Herschel, Paralegal
Kew Gardens, NY 11415

Re: Davon Beckford - NYSID #00028647M:

Dear Ms. Herschel:

This notice is to confirm that Devon Beckford with NYSID #00028647M was admitted to the custody of the New York City Department of Correction (NYCDOC) on April 15, 2016 under Book & Case #141-16-03665 and was discharged on May 31, 2016. Mr. Beckford was also in the custody of the NYC Department of Correction on October 23, 2011 under Book & Case #441-11-10460 whereby he was discharged on April 16, 2012.

1138

If further assistance is needed, please feel free to contact me at 718-546-0448.

Thank you

Captain S. Peake#1 (28

SUPREME COURT OF THE STATE OF NEW YORK NO FEE

QUEENS COUNTY

125-01 QUEENS BOULEVARD KEW GARDENS, NY 11415

CERTIFICATE OF DISPOSITION-YOUTHFUL OFFENDER ADJUDICATION

DATE: 03/21/2017

CERTIFICATE OF DISPOSITION NUMBER: 29795

PEOPLE OF THE STATE OF NEW YORK

CASE NUMBER:

01936-2011

VS.

LOWER COURT NUMBER(S): 2011QN056918

DATE OF ARREST:

10/21/2011

ARREST #:

011660224

NYSID #:

28647M

DATE OF BIRTH:

06/11/1994

BECKFORD, DAVON

DATE FILED:

11/10/2011

DEFENDANT

I HEREBY CERTIFY THAT IT APPEARS FROM AN EXAMINATION OF THE RECORDS ON FILE IN THIS OFFICE THAT ON 04/15/2013 BEFORE THE HON. KRON, B THE DEFENDANT WAS ADJUDICATED TO BE A YOUTHFUL OFFENDER AND WAS SENTENCED TO

ROBBERY 1st DEGREE PL 160.15 02 BF

PROBATION = 5 YEAR(S)

CONSECUTIVE TO: ROBBERY 1st DEGREE PL 160.15 02 BF

ROBBERY 1st DEGREE PL 160.15 02 BF

PROBATION = 5 YEAR(S)

CONSECUTIVE TO: ROBBERY 1st DEGREE PL 160.15 02 BF

CVAF = \$25 (JUDGMENT ORDERED)SURCHARGE = \$300 (JUDGMENT ORDERED)

THAT ON 04/28/2016 THE ABOVE NAMED DEFENDANT WAS RESENTENCED ON A VIOLATION OF PROBATION BY THE HON. WONG, D THEN A JUDGE OF THIS COURT TO:

ROBBERY 1st DEGREE PL 160.15 02 BF

IMPRISONMENT = 1 YEAR(S)

CONSECUTIVE TO: ROBBERY 1st DEGREE PL 160.15 02 BF

ROBBERY 1st DEGREE PL 160.15 02 BF

IMPRISONMENT = 1 YEAR(S)

CONSECUTIVE TO: ROBBERY 1st DEGREE PL 160.15 02 BF

CVAF = \$25 (JUDGMENT ORDERED)

SURCHARGE = \$300 (JUDGMENT ORDERED)

A YOUTHFUL OFFENDER ADJUDICATION IS NOT A JUDGMENT OF CONVICTION FOR A CRIME OR ANY OTHER OFFENSE, AND DOES NOT OPERATE AS A DISQUALIFICATION OF ANY PERSON SO ADJUDGED TO HOLD PUBLIC OFFICE OR PUBLIC EMPLOYMENT OR TO RECEIVE ANY LICENSE GRANTED BY PUBLIC AUTHORITY CPL 720.35.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL ON THIS DATE 03/21/2017.

To Whom It May Concern,

What can I say about my brother Davon? Well since last year when my brother was in a car accident and I thought I would never see him again I would say our bond grew a little stronger. My brother is not the kind of person to give up and after his accident I felt like his strive for better increased until this. Yes, he made some bad choices and got in trouble and understands for every wrong choice there are consequences. So now every time we talk its always about bettering himself. My brother understands that second chances aren't always given so he plans on taking this time from his family as a wide eye opener. Being away from his family during this time is something he don't want to go through again and he makes that clear. I believe that my brother has finally learned his lesson, I have never heard or seen him repeat the same thing and not accomplish it. Every time we speak he tells me he can't wait to get home so he can get a job. I believe that my brother will get on the right path this time and with family by his side and in his ear I know he will stay on the right path. I'm willing to take my brother home with open arms and guide him in the right direction.

Thank You,
Mercedes Smith

Rosie Harley 522 Quincy Street Apt3G Brooklyn, NY 11221

To Whom This May Concern,

I Rosie Harley am the mother of Davon Beckford. I currently reside in Brooklyn, NY with just my youngest son, although I'm a mother a four. In April of this year, I had a major surgery due to a stroke of the spine. He was by myside the entire time and I really need him here with me now and his younger brother also needs him.

Davon had always been taught to do the right thing, but as we all know, we don't be with our kids twenty four/ seven, and they don't do it always when we are not around. He has always been a kind and gentle person; he has helped many people in our surrounding community in whatever way they may have asked him too. Many of them would often tell me I could pat myself on the back for the great job I have done with my kids. Anyone who knows me or any of my family members know we are against violence and doing anything wrong to break the law. I have always taught Davon to tell the truth and that I (as his mother) can always tell if he is lying. I told him when he do wrong thing that it hurts me to my heart because I didn't raise him that way. But also, that I would be by his side to help whenever he made a mistake because we all make mistakes.

Honestly, I'm writing you not only as his mother but as a person who believes and taught my kids of forgiveness. He was raised in church and taught to believe in a higher power if he ever felt weak or needed help and I couldn't be there to assist him immediately. I feel my son made a major mistake and not to place blame on anyone else but peer pressure is a real thing that kids go through. Often times our kids want to fit in and be a part of a crowd, and don't come to us.

Basically, all I'm asking for is leniency for my son and the mistake that he has made, and ask you can you give him another chance to be the great man I know he can be. I feel he has learned his lesson. Also, because as I for stated I could use him back here for some help with my sickness and so I know that he is safe and secure home with me.

Thank You In Advance,

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,		:	
		:	
	Plaintiff	:	
		:	
VS.		:	
		:	
DAVON BECKFORD,		:	,
'	,	:	
		:	NO. 3:16-CR-127-ARC-5
	Defendant		

CERTIFICATE OF SERVICE

I, WILLIAM RUZZO, ESQUIRE, do hereby certify that this document, the foregoing Memorandum and attachments was served via hand delivery to U.S. Probation at the Probation Office, U.S. Courthouse, Scranton, PA and U.S. Attorney via electronic notice.

/s/ William Ruzzo

WILLIAM RUZZO, ESQUIRE Attorney I.D. 75865 590 Rutter Avenue Kingston, PA 18704 (570) 288-7799 Fax (570) 288-7798